



Haryana Government Gazette

Published by Authority

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No. 15-2018] CHANDIGARH, TUESDAY, APRIL 10, 2018 (CHAITRA 20, 1940 SAKA)

PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA

NIRVACHAN SADAN, PLOT NO.2 SECTOR-17, PANCHKULA

Order

The 1st March, 2018

No.SEC/3ME/2018/954.— The General Elections of Municipal Corporation, Panipat was held on 02.06.2013 and the result of the elected candidates was declared 04.06.2013.

2. Section 8B of the Haryana Municipal Corporation Act, 1994, every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. State Election Commission issued Notification No.SEC/4ME/2007/7027, dated 09.05.2007 in exercise of powers conferred inter alia under Section 8D of the Act and made the Haryana Municipal Corporation Election Expenditure (Maintenance and Submission of Accounts) Order, 2007. Clause 5(6) of the Order provide that every contesting candidate or his election agent shall lodge account of election expenditure within thirty days from the date of declaration of election result with the Deputy Commissioner or an officer authorized by the State Election Commission.

4. Section 8D of the Haryana Municipal Corporation Act, 1994 read with Section 10 A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person –

- (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
- (b) has no good reason or justification for the failure

the Election Commission shall, by order published in the Official Gazettee, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

5. In pursuance of the above provisions, the State Election Commission, Haryana *vide* its Notification No. SEC/4ME/2013/2320, dated 02.05.2013 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 8B of the Haryana Municipal Corporation Act, 1994 had prescribed the limit of expenditure of Rs.1,75,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Corporation, Panipat and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

6. The State Election Commissioner, Haryana in exercise of powers contained under Section 9 (1A) of the Haryana Municipal Corporation Act, 1994 authorized District Attorney, State Election Commission, Haryana *vide* order No.SEC/1ME/2017/2017, dated 01.12.2017 to decide the cases of disqualification of the candidates, who failed to lodge their account of election expenses.

7. As reported by the Deputy Commissioner, Panipat, the following candidates had contested the election of Municipal Corporation, Panipat but failed to submit their election expenditure account within the prescribed time or thereafter :-

Sr. No.	Name of Candidate	Ward No.
1.	Anita	6
2.	Kamlesh	6
3.	Prem Devi	6
4.	Rajkali	6
5.	Ramwati	6
6.	Satish Panchal	7
7.	Hardayal	7
8.	Tekchand Bajaj @ Lalu Bajaj	8
9.	Ravi Sharma	8
10.	Rajesh Suri	8
11.	Geeta Rani	9
12.	Jyoti	9
13.	Nisha Chawla	9
14.	Madhuri Mittal	9
15.	Satya Rani	9
16.	Govinda	10
17.	Mahinder Kumar	10
18.	Devki Nandan	11
19.	Shakti Singh	11
20.	Janeshwar	12
21.	Babu Ram	12
22.	Rampal Jangra	12
23.	Shiv Kumar	12
24.	Satinder Singh	12
25.	Piniki	14
26.	Krishan	21
27.	Baldev Raj	21
28.	Suraj	21
29.	Anoj Kumar	22
30.	Imran	22

Sr. No.	Name of Candidate	Ward No.
31.	Manmeet	22
32.	Mahinder Kumar	22
33.	Ramrati	22
34.	Rinku	22
35.	Sajjan Singh	22
36.	Sumit	22
37.	Joni	23
38.	Dariya Singh	23
39.	Rajinder @ Ravinder	23
40.	Roshan Lal	23
41.	Surat Jain Kumar	23
42.	Sursh	23
43.	Ram Kumar	23

8. The Commission had served a show cause notice upon them to explain as to why they should not be disqualified on account of non submission of election expenditure account within the period. They neither submitted their election expenditure statement nor responded to the show cause notice. I, had given them personal hearing on 23.02.2018 in the State Election Commission, Haryana, "Nirvachan Sadan", Plot No.2, Sector-17, Panchkula in the interest of natural justice *vide* letter No.SEC/3ME/2018/499, dated 02.02.2018.

9. The above mentioned contesting candidates neither appeared nor bothered to respond to the show cause notice in spite of service thereof through the District Administration. Therefore, it can be concluded that they have nothing to say in the matter. The above mentioned candidates deserve to be disqualified. Hence I, Anil Kumar Aggarwal, District Attorney, State Election Commission, Haryana, hereby order that all the above 43 candidates are disqualified under Section 8D of the Haryana Municipal Corporation Act, 1994 read with Clause 5(6) of the Haryana Municipal Corporation Election Expenditure (Maintenance and Submission of Accounts) Order, 2007 and Section 10 A of the Representation of People Act, 1951 for being chosen as, and for being a member of Municipality for a period of three years from the date of this order as they have failed to lodge the account of election expenses within thirty days from the date of declaration of election result without good reason and justification.

10. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Panipat immediately.

Panchkula:
The 1st March, 2018.

ANIL KUMAR AGGARWAL,
District Attorney,
State Election Commission, Haryana.